

PROVIDING FOR THE ESTABLISHMENT OF THE ZUNI-
CIBOLA NATIONAL HISTORICAL PARK IN THE STATE
OF NEW MEXICO, AND FOR OTHER PURPOSES

MAY 23 (legislative day, MAY 18), 1988.—Ordered to be printed

Mr. INOUE, from the Select Committee on Indian Affairs,
submitted the following

REPORT

[To accompany S. 2162]

The Select Committee on Indian Affairs, to which was referred the bill (S. 2162) to provide for the establishment of the Zuni-Cibola National Historical Park in the State of New Mexico, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill (as amended) do pass.

The amendment is an amendment in the nature of a substitute.

PURPOSE

S. 2162 is a bill to designate certain portions of the Zuni Indian Reservation in the State of New Mexico as the Zuni-Cibola National Historical Park, to be managed by the Park Service as a unit of the National Park system. S. 2162 was introduced by Senator Bingaman, for himself and Senator Domenici, on May 15, 1988, and was referred to this Committee for consideration.

BACKGROUND AND NEED

This legislation will create the first National Historical Park in the United States located entirely on Indian trust lands. Consideration of such a park has been under discussion since 1960 when the Secretary of the Interior declared the ancient Zuni city of Hawikku eligible for registration as a National Historic Landmark.

The bill establishes an Advisory Commission within the Department of the Interior to consult with the Director of the Park Serv-

ice in the planning, management, and administration of the park. The Commission will be chaired by the Governor of the Zuni Tribe. The Secretary of the Smithsonian Institution will also be a member of the Commission. The Park Service, in consultation with the Commission, shall develop a management plan for the park within three fiscal years following the enactment of the Act and submit such plan to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources and the Select Committee on Indian Affairs in the Senate.

A joint Hearing on this bill was held by the Select Committee on Indian Affairs and the Energy and Natural Resources Subcommittee on Public Lands, National Parks and Forests, on March 24, 1988. The Administration, the Zuni Pueblo, and other interested witnesses all supported the general concept of the legislation. An excerpt from the testimony of Mr. Bruce Craig, Cultural Resources Coordinator, National Parks and Conservation Association, presented at the March 24th hearing follows:

STATEMENT OF BRUCE CRAIG, CULTURAL RESOURCES COORDINATOR, NATIONAL PARKS AND CONSERVATION ASSOCIATION

My name is Bruce Craig, Cultural Resources Coordinator for the National Parks and Conservation Association, a nonprofit membership organization founded 69 years ago. Through our organization's diverse activities, we seek to promote the preservation, protection and public understanding of our nation's National Park System.

Our Association appreciates the opportunity to testify on S. 2162 legislation establishing Zuni-Cibola National Historic Park and S. 1593, legislation which designates the site of the Glorieta Battlefield as a National Historic Site. We commend Senators Bingaman and Domenici for introducing these bills. We are pleased to support both of these legislative efforts.

As you may know, National Parks and Conservation Association recently completed its multi-year assessment of the National Park System. Our study, *Investing in Park Futures: The National Park System Plan, A Blueprint for Tomorrow*, recommends inclusion of both Zuni-Cibola and Glorieta Battlefield as units of the National Park System. While we support enactment of both bills, we do have some suggestions for strengthening provisions of both bills and would like to offer comments for report language.

Zuni-Cibola National Historical Park

For over eight years, National Parks and Conservation Association has been supportive of the establishment of a Zuni-Cibola Historical Park. Without a doubt, Zuni is one of the most durable and richest Indian cultures in North America. The abundance of physical evidence associated with the Pueblo of Zuni—archeological sites, ruins, sacred lands, as well as the ancestral context for an evolving living culture—spans nearly 2,000 years and forms the

framework for today's living Zuni culture. Nowhere in the national park system is there a continuum of this magnitude.

As Senator Jeff Bingaman stated when introducing this bill, "This legislation exemplifies a new spirit of cooperation between the Federal Government and the Indian people." We totally agree. When enacted, Zuni-Cibola will be one of the few, but hopefully not the last, national historical park located entirely, on Indian lands. At Zuni as well as at other trust areas, there are unique opportunities for the Indian people to share their history and heritage with the rest of the American nation.

NPCA believes this legislation deserves the full support of the Congress and Administration for several reasons. First, the integrity of the sites identified for inclusion in this historical park are well documented. Zuni has been recognized as one of the major regional expression of the Anasazi culture and today remains one of the major centers for ethnological studies in the United States. After conducting a thorough study of the area, both the Secretary of the Interior and the National Park Advisory Board endorsed the proposal for Zuni-Cibola as "the most viable means for preservation and interpretation of the Zuni culture."

Second, we believe there is no National Park Service area where a continuum of the magnitude of Zuni culture is exhibited. The only site in the Southwestern United States that illustrates the theme "Indian life at Time of Contact with European" is Pecos National Monument; no Southwestern site illustrates the *National Park System Plan: History* themes "Native villages and communities" or "Contemporary living culture". Clearly the addition of Zuni-Cibola will fill a thematic gap that presently exists in the National Park System.

Third, Hawikku, Ketchiba:wa, Yellow House and the Great Kiva, are all National Historic Landmarks. The landmarks as well as the hundreds of prehistoric and dozens of historic sites that dot the reservation were studied by the National Park Service in 1980. We are pleased to see that these National Historic Landmark sites are central to the park concept embodied in this legislation.

Fourth, on an economic basis, this legislation makes sense. Zuni-Cibola requires no Federal expenditure on land acquisition; there are no private lands that need to be purchased; all lands specifically authorized are to be acquired only through donation. Furthermore, it is estimated that only \$250,000 will be needed to administer this site on an annual basis. This is a small amount of money, especially when one considers the impact that the establishment of this park will have on the promotion of economic growth and increasing educational and social opportunities in the Indian community.

NPCA is particularly pleased to see provisions in this act, such as the provision in Section 7, to include in the

General Management Plan proposals for training Indian peoples in the fields of interpretation, management and museum curation. We suggest report language be included affirming the National Park Service's responsibility to aggressively pursue an affirmative action plan where members of the Pueblo of Zuni will receive priority hiring preference to fill vacant positions within the park.

We strongly support the establishment of the Zuni-Cibola Advisory Commission. We believe that this Commission should not only have the authority to consult with the Director of the National Park Service on planning, management and administration, but also the bill should include a provision requiring the National Park Service to give preference in hiring to the Zuni, including a Zuni Superintendent. The National Park Service should be authorized and funded to train Zuni in NPS policy, management and procedures.

Subsequent to the Hearing the Zuni Tribal Council reviewed the agreement proposed by the Park Service and the Governor of the Tribe and developed a number of amendments to the proposed legislation. The Zuni Council was concerned that the bill, as introduced, would vest too much authority in the Park Service and not enough in the Tribe. Changes proposed by the Tribe require the agreement of the Tribe on lands designated by the Park Service for inclusion within the Park; protection of Zuni religious practices within the Park; training and employment of Zuni members for service within the Park; provision for development of cooperative research and interpretive programs within the Park to be directed by the Zuni Tribe; and proposals for the operation and supply of park concessions by Zuni owned businesses.

The amendments proposed by the Zuni Tribe received the strong support of the Albuquerque Area Director of the BIA. In a meeting at the field level on April 27, 1989, the Zuni Tribe and staff of the Bureau of Indian Affairs and the Park Service reached agreement on certain amendments to the bill. These amendments have been incorporated into the bill reported by the Committee.

LEGISLATIVE HISTORY

S. 2162 was introduced by Senator Bingaman, for himself and Senator Domenici, on March 15, 1988, and was referred to the Select Committee on Indian Affairs for consideration. On March 24, 1988, the Select Committee held a joint hearing with the Energy and Natural Resources Subcommittee on Public Lands, National Parks and Forests. There is no companion bill in the House of Representatives. On April 28, 1988, in an open business session of the Select Committee on Indian Affairs, S. 2162 an amendment in the nature of a substitute was adopted by the Committee and ordered reported out with a recommendation for passage by the Senate.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTE

The Select Committee on Indian Affairs, in an open business session of April 28, 1988, by unanimous vote of a quorum present,

adopted an amendment in the nature of a substitute and ordered S. 2162 reported with a recommendation that the bill do pass, as amended.

SECTION-BY-SECTION ANALYSIS

The following is an analysis of the bill, as amended by the amendment in the nature of a substitute.

Section 1. This section states that the Act may be cited as the "Zuni-Cibola National Historical Park Establishment Act of 1988".

Section 2. This section establishes the Zuni-Cibola National Historical Park and provides that the Park shall consist of those lands acquired pursuant to Section 3.

Section 3. This section authorizes the Secretary of the Interior to approve a National Park Service leasehold interest in and to such trust lands of the Zuni Indian Reservation as may be necessary and adequate to carry out the purposes of the Act. The amount of land to be so leased shall be determined jointly by the Zuni Tribe, the Bureau of Indian Affairs, and the National Park Service. No lease shall be executed until after the development of those plans required in Section 7.

Section 4. This section is divided into four subsections and provides for the management of the Park. Subsection (a) provides that the Secretary, acting through the Director of the National Park Service, and in consultation with the Commission established in Section 6, shall manage the Park as a unit of the National Park System, consistently with the Acts of 1916 and 1935 relating to the management of national parks.

Subsection (b) authorizes the Secretary to accept from the Zuni Tribe concurrent jurisdiction for the purpose of law enforcement.

Subsection (c) requires that the Secretary, acting through the Director of the National Park Service, consult regularly with the Commission established in Section 6.

Subsection (d) will exempt enrolled members of the Zuni Tribe from payment of admission fees to the Park.

Subsection (e) authorizes the Secretary to enter into cooperative agreements with the Zuni Tribe for the purpose of providing training in interpretation, management, protection and preservation of archaeological and historical properties and needed public services on the Zuni Indian Reservation.

Section 5. This section is divided into four subsections. The provisions in this section require the head of any Federal agency conducting or supporting activities directly affecting the Park to consult with the Secretary and the Commission established pursuant to Section 6, and to conform to the criteria and standards established under the plan adopted pursuant to Section 7 of the Act.

Section 6. This section establishes the Zuni-Cibola Advisory Commission. The Commission shall consist of the Governor of the Zuni Pueblo, who shall chair the Commission; the Director of the National Park Service; the Secretary of the Smithsonian Institution; and four members appointed by the Secretary from recommendations made by the Governor of the Zuni Tribe. The commission is authorized to employ an Administrative Director who shall receive compensation at a rate not to exceed that of a GS-12.

Section 7. This section provides that within three fiscal years the Secretary, through the Director of the National Park Service, and in consultation with the Commission, shall develop and transmit the Committee on Interior and Insular Affairs in the House of Representatives and the Committee on Energy and Natural Resources and the Select Committee on Indian Affairs of the United States Senate, a general management plan for the park. Among other things required in this plan, there shall be proposals for training of members of the Zuni Tribe in field such as interpretation, management, and artifact curation; provisions for the protection of the Zuni people to practice traditional Zuni religious activities; and proposals for the operation and supply of park concessions by qualified Zuni-owned businesses.

Section 8. This section amends the Act of December 31, 1987, to authorize an addition to the Masau Trail.

Section 9. This section authorizes the appropriation of such sums as may be necessary to carry out the purposes of this Act.

COST AND BUDGETARY CONSIDERATIONS

The cost estimate for S. 2162, as amended, as provided by the Congressional Budget Office is set forth below:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC., May 11, 1988.

HON. DANIEL K. INOUE,
Chairman Select Committee on Indian Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for S. 2162, the Zuni-Cibola National Historical Park Establishment Act of 1988.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JAMES L. BLUM,
Acting Director.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: S. 2162.
2. Bill title: Zuni-Cibola National Historical Park Establishment Act of 1988.
3. Bill status: As ordered reported by the Senate Select Committee on Indian Affairs, April 28, 1988.
4. Bill purpose: S. 2162 would establish the Zuni-Cibola National Historical Park, consisting of certain lands within the Zuni Indian Reservation. The bill would authorize the National Park Service (NPS) to acquire a leasehold interest in these lands and manage them as part of the National Park System. An advisory commission within the Department of the Interior would advise the NPS on the planning, management and administration of the park. The Director of the NPS would be responsible for developing a management plan for the park within three years after enactment of the bill.

S. 2162 authorizes the appropriation of necessary sums to carry out these requirements.

5. Estimated cost to the Federal Government:

[By fiscal years, in millions of dollars]

	1989	1990	1991	1992	1993
Estimated Authorization Level	0.4	0.4	0.3	0.3	0.3
Estimated Outlays	0.3	0.4	0.3	0.3	0.3

The costs of this bill fall within budget function 300.

Basis of Estimate: This estimate assumes that the full amounts required to carry out the provisions of this bill would be appropriated prior to the start of each fiscal year. The outlay estimates are based on typical spending patterns for these activities.

Based on information provided by the NPS, CBO estimates that the agency would spend approximately \$100,000 in each of the fiscal years 1989 and 1990 and about \$60,000 in 1991 to prepare the management plan required by S. 2162. In addition, CBO estimates that the NPS would require approximately \$250,000 per year to operate the park and pay the expenses of the advisory commission. The Federal Government would incur no costs for land acquisition as a result of this bill.

For the purpose of this estimate we have assumed that the operating costs associated with this bill would remain constant, with adjustments for inflation, after completion of the management plan. This assumption is highly uncertain, however, and the ultimate costs would depend on the results of the planning process.

6. Estimated cost to State and local governments: None.

7. Estimate comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: Majorie Miller.

10. Estimate approved by: C.G. Nuckols, for James L. Blum, Assistant Director for Budget Analysis.

REGULATORY IMPACT STATEMENT

Paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate requires each report accompanying a bill to evaluate the regulatory and paperwork impact that would be incurred in carrying out the bill. The Committee believes that S. 2162, as amended, will have minimal regulatory and paperwork impact.

EXECUTIVE COMMUNICATIONS

The following testimony was provided to the Select Committee on Indian Affairs and the Committee on Energy and Natural Resources, Subcommittee on Public Lands, National Parks and Forests, on March 24, 1988:

STATEMENT OF JERRY ROGERS, ASSOCIATE DIRECTOR, CULTURAL RESOURCES, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS, SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, CONCERNING S. 2162

Mr. Chairman and members of the Committee, it is a pleasure to appear before you today to discuss S. 2162, a bill to provide for the establishment of the Zuni-Cibola National Historical Park in the State of New Mexico, and for other purposes.

We recommend that no action be taken at this time on S. 2162 until the Administration has had sufficient time to evaluate the legislation.

If enacted, S. 2162 would establish the Zuni-Cibola National Historical Park located on approximately 340 acres of trust land on the Zuni Reservation in Zuni, New Mexico. The Secretary is authorized to acquire a leasehold interest in the 340 acres only by donation and shall manage the area as a unit of the National Park System. A Federal consistency requirement is provided for activities begun and licenses or permits issued after the enactment of S. 2162, and an advisory commission is established consisting of seven members appointed by the Secretary including the Governor of the Pueblo of Zuni, the Director of the National Park Service, the Secretary of the Smithsonian, and four members from recommendations from the Governor of the Pueblo of Zuni. A general management plan is required within three complete fiscal years of the date of enactment and shall include such elements as proposals for public facilities, implementation plans for a continuing program of interpretation and public education, natural and cultural resources management plans, proposals for training members of the Pueblo of Zuni, and a plan to implement the American Indian Religious Freedom Act of August 11, 1978. Finally, the Zuni-Cibola National Historical Park would be included along the Masau Trail (Public Law 100-225), and there is an authorization of appropriations.

Mr. Chairman, intrinsically, Zuni stands on its own as one of the most durable and rich native American cultures in North America. The abundant physical evidence of this culture, which spans nearly two millennia, is geographically integrated and, with the land itself, continues as the ancestral context for the evolved, living culture. In numerous special and theme studies that we have conducted over the years, the National Park Service has recognized Zuni as an intrepot for Mogollon and Anasazi cultural fusion, as one of the major regional expressions of the Anasazi culture, as a crossroads of Southwestern historical events since 1539, and as one of the most important centers for ethnological studies in the United States. We do not question the significance of these resources. However, since S. 2162 was just introduced last week, the Administration has

not had sufficient opportunity to consider all appropriate management alternatives and to update and review cost estimates. For example, we need to consult with the Bureau of Indian Affairs. Therefore, when we have completed that review, we intend to transmit our recommendation and cost estimates in the Administration's formal report on S. 2162.

That concludes my prepared statement, Mr. Chairman. I would be happy to respond to any questions that Members of the Committee may have.

CHANGES IN EXISTING LAW

Subsection 12 of Rule XXVI of the Standing Rules of the Senate requires that each report accompanying a bill or joint resolution repealing or amending any statute or part thereof to note the changes in existing law. No changes in existing law will result from enactment of S. 2162.

